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FILED

MAR 22 2016

**SECRETARY, BOARD OF
OIL, GAS & MINING**

Attorneys for Utah Division of Oil, Gas and Mining

BEFORE THE UTAH BOARD OF OIL, GAS AND MINING

In the matter of: reclamation at
the Elite Rock-West mine,
permit no. S/049/0050, operated
by Wasatch Mountain
Excavating, located southwest
of Elberta in southwestern
Utah County, Utah

**FINAL JOINT MOTION TO
CONTINUE**

Docket No. 2015-023
Cause No. S/049/0050

The Utah Division of Oil, Gas and Mining and Wasatch Mountain Excavating (together, the Parties) jointly move the Utah Board of Oil, Gas and Mining to continue the Elite Rock–West matter, docket no. 2015-023, until the regularly scheduled hearing on April 27, 2016. The grounds for the continuance follow:

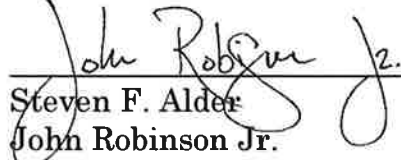
1. The underlying Notice of Agency Action (NOAA) is an action to forfeit a reclamation surety held for the Division’s benefit and to use the forfeited funds to conduct reclamation at the Elite Rock–West mine site.

2. After a stipulated forfeiture agreement fell through, Wasatch Mountain mobilized two pieces of equipment to the site and began reclamation in late November. The Division made several site visits in 2015 and early 2016, and continues to monitor reclamation activities.
3. The seasonal weather encumbered Wasatch Mountain's efforts. Although progress is being made, the site work will not be completed prior to the March Board hearing.
4. The Parties represent that Wasatch Mountain has made significant progress towards completing the reclamation work required.
5. The land owner's representative has indicated his approval of the work completed thus far.
6. This forfeiture action is not ripe to proceed while reclamation is in progress.
7. Given that much of the requires work has already been completed, the Parties expect this matter to be concluded and withdrawn by the April Board hearing.

The Parties submit that these reasons show good cause to continue the hearing in this matter until April 27, 2016.

Respectfully submitted on the 22nd day of March, 2016.

UTAH OFFICE OF THE ATTORNEY GENERAL

A handwritten signature in dark ink, appearing to read "John Robinson Jr.", is written over a horizontal line.

~~Steven F. Alder~~

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*Attorney for Brett Bryson & Wasatch Mountain
Excavating, Inc.*

Certificate of Service

I certify that I served the above **Final Joint Motion to Continue** to the following parties on March 22, 2016:

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BEFORE THE UTAH BOARD OF OIL, GAS AND MINING

In the matter of: reclamation at the Elite
Rock-West mine, permit no. S/049/0050,
operated by Wasatch Mountain
Excavating, located southwest of Elberta
in southwestern Utah County, Utah

[PROPOSED] ORDER GRANTING
JOINT MOTION TO CONTINUE

Docket No. 2015-023
Cause No. S/049/0050

The Utah Board of Oil, Gas and Mining has considered the JOINT MOTION TO CONTINUE filed by the Utah Division of Oil, Gas and Mining and Wasatch Mountain Excavating (together, the Parties). The Board finds that the Parties showed good cause and hereby ORDERS that this matter be CONTINUED until the regularly scheduled April 27, 2016 hearing.

ENTERED this ____ day March, 2016.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Ruland J Gill, Chairman